

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4, 7-23, and 26-39 are pending in this application. Claims 1, 20, and 39 are amended by the present amendment.

In the outstanding Office Action, Claims 1-4, 7-13, 15-17, 19-23, 26-32, 34, 35, and 37-39 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,177,905 to Welch in view of U.S. Patent 6,587,782 to Nocek et al. (herein "Nocek"); and Claims 14, 18, 33 and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Welch in view of Nocek, U.S. Patent 6,064,980 to Jacobi et al. (herein "Jacobi").

Applicants respectfully traverse the rejection of Claims 1-4, 7-13, 15-17, 19-23, 26-32, 34, 35, and 37-39 under 35 U.S.C. § 103(a) as unpatentable over Welch and Nocek.

Claim 1, which is amended to more clearly indicate the intended features, is directed to a purchase promotion server system that includes, in part, a user information database unit configured to store electronic goods or services information, a user state judgement unit configured to automatically judge a user state regarding whether the user is currently fit to make an action for purchasing the goods or services in the stored information, a user information management unit, and a user notification unit configured to automatically send an urging or reminding message to a recognized user information communication terminal. The user state judgment unit judges the user state regarding whether the user is currently fit to make the action for purchasing the goods or services in the stored information according to a current time information indicating a current time and a schedule information describing scheduled activities of the user at different times. Independent Claims 20 and 39 include similar features.

Thus, the claimed inventions may register in advance goods or services scheduled or desired to be purchased by each user so that the system may automatically urge or remind the user to make the action for purchasing these goods or services at the current location according to the scheduled activity of the user at the current time, even if the user himself is not consciously aware that he is currently in a state suitable for making the action for purchasing these goods or services.

Further, Applicants note that the claimed inventions may judge whether the user is currently fit to make the action for purchasing these goods or services according to a scheduled activity of the user at that time. In other words, the system judges whether the user is currently fit to make the action for purchasing these goods or services according to whether or not the current scheduled activity of the user permits the user to make the action for purchasing these goods or services.

Applicants respectfully traverse the assertion in the outstanding Office Action that Nocek discloses providing reminders about points of interest while traveling, which includes both location and time data along the route or schedule in order to minimize one's travel time and still get to the desired locations.¹

However, Applicants respectfully submit that Nocek fails to teach or suggest the claimed features asserted in the outstanding Office Action. Nocek describes a method and system for providing reminders about points of interests while traveling and in particular Nocek describes a navigation system that provides a reminder when a user is in proximity to a location of a point of interest of a specified type. Nocek displays a current location of the user in a location at each point of interest along the selected route, along with an indication of an estimated time to reach the point of interest and an estimated distance from the current

¹ Office Action at page 3, lines 12-14.

location to the point of interest.² Thus, the estimated time of Nocek fails to indicate a current time, and therefore Nocek fails to teach or suggest the claimed current time information. Further, the route of Nocek fails to indicate scheduled activities of a user at different times. Therefore, Nocek also fails to teach or suggest the claimed schedule information.

Further, Applicants respectfully note that the navigation system of Nocek does not automatically urge or remind a user to make an action for purchasing goods or services at the current location according to a scheduled activity of the user at the current time. In particular, Nocek fails to teach or suggest any judging of whether the user is currently fit to make the action for purchasing these goods or services according to the scheduled activity of the user at the time. In other words, Nocek fails to teach or suggest judging whether or not the current scheduled activity of the user permits the user to make the action for purchasing these goods or services.

In addition, as noted in the Office Action, Welch only describes informing the user about information or the performing of a function that a user has chosen to associate with a location, when the user arrives at their predetermined location. Thus, Welch fails to teach or suggest judging whether the user is currently fit to make an action for purchasing goods or services according to the scheduled activity of the user at that time (i.e., according to whether or not the current scheduled activity of the user permits the user to make the action for purchasing these goods or services).

Accordingly, Applicants respectfully submit that independent Claims 1, 20, and 39, and claims depending therefrom, patentably define over Welch and Nocek.

Therefore, Applicants respectfully request the rejection of claims with respect to Welch and Nocek under 35 U.S.C. § 103(a) be withdrawn.

² Nocek at Figure 10.

Further, Applicants respectfully traverse the rejection of Claims 14, 18, 33, and 36 under 35 U.S.C. § 103(a) as unpatentable over Welch, Nocek, and Jacobi.


Claims 14, 18, 33, and 36 depend from independent Claims 1 and 20, which are believed to patentably define over Welch and Nocek as discussed above. Further, Applicants respectfully submit that Jacobi fails to teach or suggest the claimed features lacking in the disclosure of Welch and Nocek. Accordingly, it is respectfully requested the rejection of Claims 14, 18, 33, and 36 under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, Applicants respectfully submit that independent Claims 1, 20, and 39, and the claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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